

CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)
EXECUTIVE PLANNING COMMITTEE MEETING
Monday, March 22, 2004
10th Floor Conference Room
Stephen P. Clark Center
111 NW 1st Street
5:00 PM

Summary of Minutes

MEMBERS PRESENTS:

Hon. John Cosgrove, Chairman
LtCol Antonio Colmenares
Franklin Kelly
Hon. James Reeder

Marc Buoniconti
Henry Lee Givens
Miles Moss
Rev. Theodore Wilde

COUNTY ATTORNEY:

Bruce Libhaber

OTHERS PRESENT:

Hilda Fernandez, Executive Director, OCITT
Joe Lepp, Citizen
Clinton Forbes, MDT
David Tinder, PWD
Lenadro Ona, PWD
Betty Alexander, DBD
Virginia Diaz, OCITT
Lilia Medina, City of Miami

Patty David, OCITT
Mayra Bustamante, MDT
Chuck Rabin, Reporter
Jorge Avino, Citizen
Lana Moorey, PWD
Joanna Santiago, OCITT
Pepe Valdes, OCITT

ROLL CALL

With a quorum being present, Mr. John Cosgrove, Chairman, called the meeting to order at 5:15 p.m.

APPROVAL OF MINUTES – FEBRUARY 17, 2004

Mr. Cosgrove requested a motion approving the minutes. Mr. Henry Lee Givens moved its approval. The motion was seconded by LtCol Antonio Colmenares and carried without dissent.

COMMITTEE REPORTS

CHAIRMAN'S REPORT

Mr. Cosgrove reported that he and Hilda Fernandez, Executive Director OCITT, met with the County Manager to discuss the following items:

- 1) The need for the CITT to be kept informed and given the opportunity to participate on any internal initiatives regarding the People's Transportation Plan (PTP).
- 2) The need for the CITT to be able to act as an independent body; it is not able to currently because the Trust is subjected to numerous county controls and directives. For example, Board member travel must have pre-approval by the BCC. The Manager stated that although the Trust may be independent it is still part of the County and therefore needs to follow the county process.

- 3) Financial Advisor – the CITT has tried for several months to obtain an independent financial advisor. The Department of Business Development made a recommendation of a set-aside for women owned firms. The Selection Committee reviewed the two firms that responded to the RFP, but were deemed not qualified for the particular needs of the CITT. The CITT followed the county process and requested to re-advertise; however, Commissioner Dennis Moss removed the item from the BCC Transportation Committee and the item is on hold for the time being. He stressed the importance of obtaining an independent financial advisor to review the pro forma and other financial documents for the Trust members to do their job of ensuring that PTP funds are being spent appropriately.
- 4) Proposed a PTP Amendment to the Ordinance; the County Manager did not consider the issue a big concern. Mr. Cosgrove told the Manager that the citizens were promised an oversight board to oversee that surtax proceeds were going to be spent appropriately.
- 5) A letter to Dr. Barbara Carey-Shuler requesting for a Joint BCC/CITT meeting that was proposed by Commissioner Shuler a few months ago. The meeting would allow open dialogue to address any concerns between the Trust members and the BCC.
- 5) A letter to Commissioner Katy Sorenson, Acting BCC Chairperson, requesting the opportunity to present the CITT 90-Day Quarterly Report at the next BCC meeting.

EXECUTIVE DIRECTOR'S REPORT

Hilda Fernandez informed the members that the OCITT's office reconfiguration has been approved and the Office of Strategic Management has agreed to credit the OCITT \$84,000 for a portion of the electrical cost.

BUDGET AND FINANCE COMMITTEE – REV. THEODORE WILDE

Mr. Wilde reported that the committee met on March 18. The committee reviewed and discussed at length MDT's request for reimbursement for expenses incurred during fiscal year 2002-2003. The committee approved partial payment. In addition, the committee suggested to Ms. Fernandez to hire someone on a temporary basis with financial background to help OCITT staff until a financial advisor can be obtained. Mr. Miles Moss added that it was decided at the Budget and Finance Committee to direct staff to hire someone and it did not need any further approval by CITT, as Ms. Fernandez has the authority. Mr. Marc Buoniconti stressed the importance of obtaining a financial advisor to provide an independent analysis of the pro forma and validate the assumptions that have already been made. LtCol Antonio Colmenares added that the CITT has approved contracts worth hundreds of thousands of dollars based on assumptions and assumptions are "risks."

Mr. Henry Lee Givens mentioned that the joint BCC/CITT should be a priority so that the BCC and the Trust members can have an understanding of the roles and responsibilities as they pertain to the PTP. He further stated that Commissioner Moss appointed him to the CITT to represent district 10, but Commissioner Moss is the elected official. Mr. Cosgrove responded that he has made several phone calls and written four letters to Commissioner Moss requesting a meeting, and to date he has not responded. In addition, he has asked staff to meet with him or his staff to keep him informed on CITT issues.

Mr. Cosgrove moved to instruct Hilda Fernandez to retain a temporary or permanent financial type position to work with Mr. Jack Furney and Marlene Amaro to strength the OCITT internal financial review processes and continue to press forward on trying to get

the CITT a permanent financial advisor position. Mr. Givens moved its approval. The motion was seconded by LtCol Colmenares and carried without dissent.

PROJECT REVIEW COMMITTEE – LTCOL ANTONIO COLMENARES

LtCol Colmenares commended Mr. Cosgrove for his letter to Commissioner Moss and thanked him for his commitment to the CITT. He noted that Commissioner Jimmy Morales was the only dissenting member who opposed the PTP Amendment at first reading. The PRC meeting was scheduled March 10, but unfortunately did not have a quorum. He requested that the action items be discussed at this committee. The committee did have a presentation made by the City of North Miami Beach and the City of Miami Beach on their respective PTP Transportation Plans. He mentioned that he visited some of the City of Hialeah's projects and was concerned that the same company continues to get awarded contracts. He asked staff to request a competitive bidding process from the City for the last three years. He further suggested for Mr. Givens to review the issue at his committee. In addition, he visited MDT Metrorail and Metromover Rehab and was very impressed with the level of maintenance. He plans on visiting the City of Coral Gables next month. He has been invited to three (3) radio stations, and the perception of the listeners is that the CITT is merely a "rubber stamp County agency" and that is unfortunate.

Ms. Fernandez added that the largest number of boarding's for the trolley stem from Metrorail transfers. The significance of that is that when you make transit a vital alternative, people will utilize the service. There has been a bus route running the exact route for a long time, but the trolley has made a significance in ridership.

EXTERNAL AFFAIRS COMMITTEE – MARC BUONICONTI

Mr. Buoniconti reported that the committee asked OCITT staff to do the following:

- Research proposed bill(s) dealing with changing the state allocation of discretionary local funding for transportation projects, as well as with statutory language as to what constitutes an Intermodal project and how funds are appropriated based on said definition. Resolutions will be drafted upon findings and presented to the full Trust for approval.
- Prepare a letter for the Chairman's signature addressing the Dade Delegation regarding the bills, based on the findings. The effort should also be coordinated with the Mayor and the BCC Chair's Office for the appropriate language.
- Request MDT to keep OCITT staff informed of all upcoming transportation related lobbying efforts, whether it is at the state or federal level, so that staff may advise Trust members accordingly.
- Contract the Intergovernmental Affairs Office to obtain a status report on the County's latest position on all transportation related projects.
- Provide the Trust members with a list of existing municipalities by commission districts and to include the questions.
- Provide the Trust members with a final report from Behavior Science Research regarding the bus questionnaire feedback. Mr. Clinton Forbes stated that the report should be completed by the end of March.
- Follow-up with Bruce Libhaber, County Attorney, as he was asked to prepare a letter to the State of Florida, Revenue Collection Division, requesting that they provide a breakdown of administrative expenditures, so as to clarify the fees Miami-Dade County is being charged for the collection of the Surtax. Said fees are not to exceed 3%.

Ms. Virginia Diaz informed the members that the State of Florida is not charging a fee because it is already collecting 6%. What is going to be prepared is a letter confirming that there are no administrative fees charged.

- Prepare two separate resolutions addressing the marketing services contracts, stating that, “MDT acknowledges and agrees to provide a marketing plan and expenditure budget for MDT’s marketing effort.”

COMPLIANCE & OVERSIGHT COMMITTEE – HENRY LEE GIVENS

Mr. Givens reported that the committee reviewed and forwarded three action items with a favorable recommendation. In addition, at the prior committee meeting, it was requested that a presentation from the Office of ADA be scheduled, however, it was deferred to a later date. Mr. Givens asked Ms. Fernandez to update the members on the MOU with the City of Hialeah. Ms. Fernandez informed the committee that when the CITT approved the MOU with the City of Hialeah, the City’s attorney stated that the City would comply with the County’s DBD guidelines. The attorney also stated that it wanted to use an existing contract with Williams Paving, Inc. After the measures were set by DBD, the City came back and stated that it would cost an additional \$1 million if the measures were to be included to the existing contract. There have been several discussions with the departments of DBD, PWD, and the City of Hialeah, and the end result is that the PWD is recommending the elimination of measures. The DBD Review Committee will meet March 31 to review that recommendation. Ms. Fernandez also stated that the Committee asked staff to request a meeting with Mayor Raul Martinez, City of Hialeah.

ACTION ITEMS

5A PTP AMENDMENT – NEIGHBORHOOD IMPROVEMENTS SECTION

Ms. Fernandez reported that the CITT approved the PWD Two-Year PTP Plan on December 17, 2003. At the time, PWD included certain activities under the “Neighborhood Improvements” category, including proposed expenditure budget for those activities. At the February 12 Budget and Finance Committee, the PWD asked the Committee to consider a modification to the funding allocated to permit the purchase of capital equipment to facilitate the installation of street signs. Members raised concerns regarding the request, since the activity is not listed in the PTP Neighborhood Improvements section. The item was deferred and forwarded to the PRC for consideration. A legal opinion from the County Attorney’s Office was solicited to confirm whether or not this activity is eligible as a “stand alone” activity under the PTP. The County Attorney’s Office opined that under the applicable state statute, roadway signage, roadway lighting, pavement markings, and traffic calming devices are acceptable uses, which may be funded by the surtax. However, none of those items were included in the PTP and an amendment to the PTP would be necessary. The department is not asking for any additional funding. Ms. Fernandez also reviewed in detail the “Baseline Spreadsheet for PWD Activities” and noted that the PWD has a current funding level and activity level for non-PTP funds.

Mr. Buoniconti stated that he is uncomfortable approving projects that are pre-existing and are being funded by PTP surtax. Mr. Wide asked if there are any legal bindings that the maintenance of effort would be maintained. Ms. Fernandez responded that the

CITT approved the PWD's Two-Year PTP Plan. For further project approval, the PWD would come back to the CITT.

LtCol Colmenares moved to approve the PTP Amendment – Neighborhood Improvements Section. The motion was seconded by Mr. Franklin Kelly; all members present approved the item with one dissenting member, Mr. Buoniconti.

5D MDT Annual Surtax Workplan – FY 02-03 and FY 03-04

Ms. Fernandez stated that it is staff's recommendation for the CITT to approve the MDT's Annual Surtax Work plan for FY 02-03 and portions of the MDT Annual Surtax Work plan for FY 03-04. For fiscal year 04-05 MDT will submit its work plan delineating how it intends to use the surtax proceeds. At that time, OCITT staff will be able to review and make the appropriate recommendation to the Trust. After the passage of the PTP, MDT made numerous improvements to the bus and rail system, as well as the expansion of the Golden Passport and the elimination of fares on the Metromover. MDT has submitted reimbursement for over \$70 million for PTP related expenditures. Ms. Fernandez also discussed MDT's Annual Workplan FY 2002-03 and MDT Buses Surtax Workplan FY 03-04 for the bus acquisition. The OCITT has requested further clarification on certain categories and therefore, staff is not recommending reimbursement for those categories until the proper justification has been submitted by MDT. Ms. Fernandez further stated that any amendments made to the work plan would be forwarded to the CITT for additional consideration. In addition, OCITT staff will provide reports to the CITT on reimbursements made to MDT related to their work plans. Mr. Cosgrove added that the Budget and Finance Committee reviewed the work plans in length and recommended reimbursement of \$36 million for FY 02-03. The additional amount of \$6 million is still pending further clarification and justification from the department. The total reimbursement is \$42,852,525.

Mr. Moss stated that OCITT staff would be reporting back to the Budget & Finance Committee before additional funds are released to MDT.

Mr. Wilde noted that Ms. Bustamante's memo states that MDT will be submitting budget amendments for some categories, and most likely, one of those amendments will include \$23 million for a deficit of existing services. The amount is approximately as much as the surtax contribution to current operations and maintenance other than OPTM.

Mr. Givens moved to approve item 5D. The motion was seconded by Mr. LtCol Colmenares and carried without dissent.

NEW BUSINESS

PTP PROPOSED AMENDMENT

Mr. Cosgrove asked the members to speak to their respective commissioner regarding the item.

CITT AGENDA MARCH 31, 2004

Mr. Cosgrove noted that the Raydan contract will be removed from the agenda at the request of PWD.

Mr. Cosgrove excused himself at 7:15 p.m.

PWD & CITY OF MIAMI JPA//GRAND AVENUE PROJECT

Mr. Givens excused himself from discussions. Mr. Libhaber informed the members that the item could be discussed but no action could be taken due to a lack of a quorum.

Ms. Fernandez announced that at the request of the PRC members, a copy of the "Grand Avenue Traffic Study for Miami Dade County PWD's, Final Technical Memorandum Number 1" was distributed and the project renderings have been displayed for review. There was a lot of discussion among the members regarding reducing the four (4) lanes to two (2) lanes and not having any pull-out bays for buses. Mr. Tinder responded that one lane will be dedicated to a turning lane and will allow for the flow of traffic. In addition, there are only two bus routes and one circulator in that area.

Mr. Moss mentioned that he read in one of the memorandums included in the agenda package, that the reason for the exclusion of bus pull-out bays was because buses would not be able to expeditiously return to the travel lanes. Ms. Fernandez replied that the MDT Director informed her that bus drivers are disciplined for not using bus pull-out bays. Mr. Moss suggested supporting the project, but the City of Miami should consider reviewing the issue of bus pull-out bays. LtCol Colmenares stated that there are a lot of unanswered questions and perhaps the City should re-evaluate it to include a bus pull-out bay or additional storage area next to the buses for the cars to pass when the buses stop. He mentioned that he conducted a site visit of each PTP project in June 2003, and noted that Grand Avenue needed reconsideration.

Mr. Libhaber stated that the project is included in the PTP. The action that is before the CITT is to approve or reject the JPA with the City of Miami. If the committee does not agree with the project, the next step is to amend the PTP to eliminate the project. However, the CITT cannot place a condition to the contract.

Ms. Moss suggested that the item be discussed at the full CITT meeting on March 31, 2004.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.